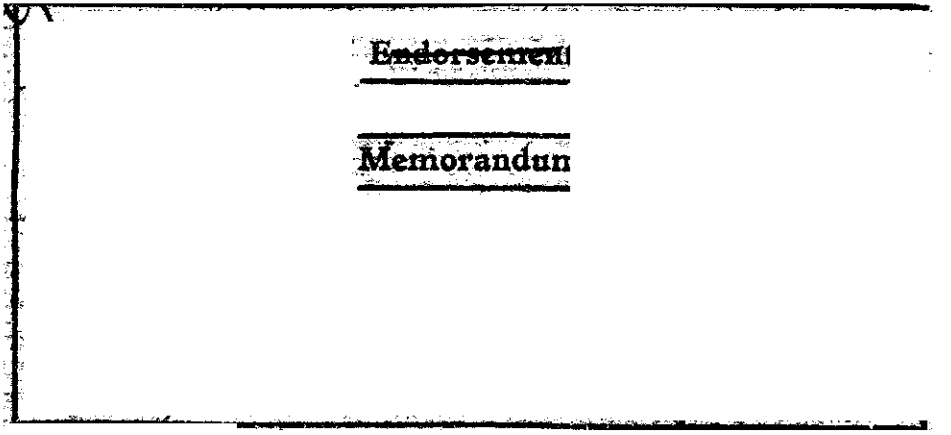


FURTHER PAPERS.

FOR MYSORE STATE

Sub: Assignment of land - Kadri village - R.S.No.58/7 and 50/E3 - Mangalore Taluk - South Kanara District - threatened resumption of alienation by Revenue Divisional Officer- Revision petition of Sr. K. Ishwara, M.L.A., Orders passed L.Dis B 10848/50 dated 13-351 by the Board of Revenue.

Ref: No. 29556/50 dated 30-1-1951 of the Collector of South Kanara.

The above Revision Petition dated 2-11-1950 was preferred against the orders passed by the Revenue Divisional Officer, Mangalore threatening resumption of R.S.No.58/7 and 50/E3 of Kadri Village standing in my name on the ground that these properties have been mortgaged in favour of a non-Harijan. It must be submitted at the outset that these and other lands were assigned to Harijans without imposing any conditions against alienation. Only one plot was assigned to me and I had purchased the other from another Harijan who could not effect any improvements on the land. The purpose of such alienations was for uplifting the Harijans providing them with lands for converting them as ~~residential areas.~~ ~~in view of the fact~~ that there are no Cooperative Societies consisting of Harijans members for advancing loans for constructing residential house, well e I approached the Collector and the Labour Department for advance of monies on Hypothecadra vender the Land Improvem and Agriculturist Loans A ct. My application being turned down, I had to approach a non.Harijan for mortgage loan fo effecting the improvements

The present Revenue Divisional Officer is a man of the locality having personal grievances against me. He had manoeuvred to get some Harijans and non-Harijans to squat on the plots applied by me on behalf of the Harijan Welfare Association for housing an Industrial School. I ha to oppose his unjust, unfair and wrongful move which is detrimental xxxx to the cause of the Harijan. Being flared up he had threatened to wreak vengeance on me. He has started the above proceedings without any lawful authority for resumption of the above lands. The orders passed by him as the Revenue Divisional Officer are unjust, unfair and invalid and has became final. Hence I submitted the above appeal to the Board of Revenue Divisional Officer, Mangalore and issing notice that the above lands will be resumed if I fail to redeem the mortgage for Rs. 4,000-0-0 within the time stipulated by him.

Land - (South Kanara) - Mangalore taluk, Kadri village, RS No. 58/3 and 58/3 - Threatened resumption of alienation. - Report called for.
From Sri. K. Taharana M.L.A. petition dt. 5/4/51

A copy of the petition quoted above is referred to the CCs of South Kanara for remarks. The report should be submitted through the Bd of Rev.

5/4/51

13/4/51

Bm

7 (IR) or p1 of, a report may be
called for from the Com of
South Carolina through the Bd of Rev.
A draft memo is submitted for approval

Ea
13/4/17

P. O. KULASHEKARA,
MANGALORE, S. K.

Provincial harijan welfare committee,
District welfare committee,
Ion Secretary,
District harijan labour league S. K.

Date 26 - 4 - 1951.

To

The Hon'Ble Sri H. Sitaram Reddi,
Minister for Revenue,
Madras-9.

10 MAY 1951

Sub: My appeal against the Board's order
L.Dis 10848-50 dated 13-3-1951.
Ref: Revenue Divisional Officer's C.No.
2237 - 51 B dated 20-4-1951.

Sir,

I have applied to the Revenue Divisional Officer, Mangalore for staying of further proceedings pending the disposal of the appeal by the Hon'ble the Minister for Revenue, Government of Madras, Madras. He has issued the above order threatening thus "until and unless a stay order from Government is received the order of this office dated 10-4-1951 cannot be stayed and if his explanation is not received within the time stipulated in that order steps will be taken to resume the plots to Government". On receipt of this order I have sent the following telegram.

" Resumption threatened by Divisional Officer, Mangalore, My appeal against Board's L.Dis 10848/50. Pray orders. Stay proceedings. Otherwise I will suffer. Ishwara".

I earnestly appeal to the Hon'ble the Minister for issue of stay orders pending disposal of the appeal. Otherwise I will suffer great hardship and loss.

Yours faithfully,

H. Ishwara

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

1737

Recd. at ——— H. ——— M.	Sent at ——— H. ——— M.
From ———	To ———
By ———	By ———
Office of Origin.	Date. / Service Instructions / Words.

0 IH MANGALORE KBL 26 29 HONBLE SITARAMREDD

MINISTER MADRAS FORT ST GEOR

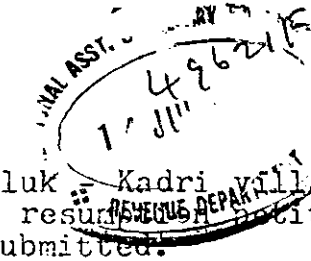
RESUMPTION THREATENED BY DIVISIONAL OFFICER MANGALORE

APPEAL AGAINST BOARDS LDIS -10843/50 PRAY ORDERS STA

ROCEEDINGS OTHERWISE I WILL SUFFER = ISHWARA

from the text.

REVENUE DEPARTMENT.
Subject.



LAND - (South Kanara) - Mangalore taluk - Kadri village - R.S.No.58/7 - and 50/E3 - Threatened resumption - Petition of Sri K.Ishwara, M.L.A., . Remarks - Submitted.

--

Station: Madras. Ref.B.3212/51-2. Dated 12-7-51.
From
Sri A.F.Mascarenhas, I.A.S., Secretary.
Sri W.R.S.Sattianathan, I.C.S., Commiss oner of Land Revenue.

--

Read:-1.Govt.Memo No.(Rev.)28220/F/51-1 dt.13-4-51.
2.South Kanara Colrr's Ref.C.No.A.1.11415/51-3, dt. 23-5-51.

--

REFERENCE:-

Submitted to the Government.

2. The Board agrees with the Collector's ~~Be~~ Board's L.Dis. B.10848/50 dt.13-3-51 in which the matter was disposed of by the Board is submitted along with other records. The Board has no further remarks to offer.

For Secretary.

To the Secretary to the Government, Revenue Department.
with the connected records.
DL::12-7-51.

SUB: LAND: South Kanara--Mangalore taluk--Kadri village--R.S. and 50/2--threatened resumption--petition--report submitted.

1.Government Memo No.28220-F/51-1.Revenue dated 13.4.51.
2.Board's Ref.B.3212-51-1 dated 27.4.51.

The petition dated 5.4.51 of Sri K. Ishwara to the Government is against the orders of the Board in its L.Dis.B.10848-50 dated 13.3.51 I solicit a kind perusal of my report Ref.C.No.A1.29556/50 dated 30.1 dealt with in the Board's above order. The matter has been fully ex plained in my report dated 30.1.51. (A)

2. PARA 1 OF THE PETITION: Sri K. Ishwara has stated that he applied to the Collector and the Labour department for a loan but his requests were turned down and that therefore he had to approach a non Harijan for a loan on mortgage of his plots. This is not correct. In support of this I enclose a copy of his statement dated 26.4.51 recorded by the Tahsildar Mangalore.

3. PARA 2 OF THE PETITION: A copy of the report D.Dis.No.2237/51 dated 30.4.51 of the Revenue Divisional Officer, Mangalore is enclose The Revenue Divisional Officer is taking further steps in accordance with the Board's directions in para 1 of its L.Dis.10848/50 dated 13.3.51. The allegation that the Revenue Divisional Officer manocuv to get some Harijans and non-Harijans to squat on the plots applied f by the petitioner on behalf of the Harijan welfare Association for housing an Industrial school and that because the petitioner opposed this manocuring, the Revenue Divisional Officer is threatening him with resumption of his plots are statements made out of malice and are not in accordance with facts.

In this connection I invite the Board's Kind attention to

1.My predecessor's report Ref.A1.6892-50 dated 13.6.50 dealt with Government Memo No.11893-M/50-4 Revenue dated 18.9.50 (Board's L.Dis.A 4007-50 dated 29.9.50)

2.Government letter No.76004/M/50-1 Revenue dated 4.12.50 to Sri K. Ishwara.

3.My report L.Dis.C.4842/51.(Confdl) dated 26.2.51 in reply to Board's D.176/51(C) dated 15.2.50 (Government endorsement No.3219-B/50-1 Rever dated 29.1.51), and

The circumstances in which R.S.No.58/7 (old S.No.58/1A2C) of Kadri village and S.No.50/E3 of Padavu village were liable for cancellation of the original assignment have been detailed by me in my D. Dis.3544/49 Confidential dated 31.12.49 and L.Dis. 4240-50 dated 31.12.50 submitted in reply to Collector's N.Ref C.No.29556-50A 1 dated 16.11.50 and Ref.C.No.32329/50A1 dated 27.11.50. On the basis of the above 2 reports the Board of Revenue in its L.Dis.B.10848-50 dated 13.3.51 ordered me to dispose of the case according to rules. In compliance with the above order communicated to me in Collector's Ref.29556-50 dated 21.3.51 I proceeded further in the matter and in my Ref.C.No. B.2237-50 dated 10.4.51 issued to Sri K. Ishwara M.L.A. Intimated him that it is not possible to grant him 2 or 3 years time to redeem the mortgaged property and that he will be granted a reasonable time for the purpose if he falls for it within 15 days from the receipt of my letter dated 10.4.51. The present application submitted to the Government by Sri K. Ishwara on 13.4. presumably is the outcome of my notice cited above. Further to that application he has in his letter dated 19.4.51 intimated to me that he has already presented an appeal to the Governmnet and requested that the matter be stayed pending orders of the Government. Thereupon I issued him another memo intimating him that further steps will be taken to resume the plots to Government if he does not submit explanation called for in time in the absence of a stay order obtained from the Government. In reply Sri.K. Ishwara in his letter dated 26.4.51 has given a threat that he will hold the Government liable for damage if action is precipitated in the matter.

2. Sri K. Ishwara's contention in his present petition that the lands in question were assigned without the imposition of any specific condition of alienation to a Non Harijan has already been dealt within para 2 of the Collector's report Ref.C.No.A1. 29556-50 dated 30.1.51 in reply to the Board's Ref.10848-50 dated 20.11.50. I do not therefore consider it necessary now to go into the matter again except to state that the 'D' notices served were clear in specifically prohibiting the alienation or mortgage of the land to a non harijan and Sri K. Ishwara was well aware of these stipulations. As regards his representation that he had to approach a non harijan for a mortgage loan after his application for a land improvement and Agriculturists loan were turned down by the Collector as a deliberate false hood in view of his statement dated 26.4.51 that no applications was ever submitted by him either to the Collector or to the labour department. He however states that he had applied for a loan of Rs.1000 under the Land Improvement act to the Government who ordered that no loan could be granted. His statement in original is enclosed.

4. This is not the only instance in which Sri K. Ishwara has been taking undue advantage of his position as M.L.A and transgressing the established law of the land. His illicit quarrying and the subsequent action thereon is being dealt with in Collector's Ref.C.No.3164/50 wherein a penalty of Rs.62-8-0 has been imposed on him. Here also Sri K. Ishwara has refused to pay the penalty on the ground that the Government has not yet passed orders on his appeal petition stated to have been filed in March 1951. This incident is mentioned in this connection just to show how Sri K. Ishwara has been trying to circumvent law by appeals alleged to have been submitted to the Board or other higher authorities.

5. Brow-beating the village officers and Revenue subordinates and attempting to intimidate them with threats to harm them by using his influence as M.L.A besides making reckless allegations against officers is the modern *operandi* with Sri K. Ishwara. In the interest of Administration it may be considered whether not desirable that this attitude on the part of Sri K. Ishwara and his misuse of his position as a Legislator should be reported to Government. Otherwise the morale of the village officers and the lower subordinates is likely to be seriously affected.

I have not applied for any loan either to the Collector or to to the Labour department for advance of amount under L.I.L and A.L. Act. Ten years ago I had applied for a loan of Rs.1000/- under the L.I.L Act. I sent that application to the Government who ordered that no loan could be granted. Nearly 10 or 15 days ago I have personally handed over an appeal to the Hon'ble Revenue Minister for a loan of Rs.4000/- for Harijan uplift fund. I had applied for some lands on the Kadri Hill for locating an Industrial school for Harijans. But the Collector had refused to grant me the land as the school was not recognised by the Director of Industries. In about the month of November 1950 I received the order recognising the school. A copy of this order was submitted to the District Collector inabout the same month for reopening the file and granting me the land. But I received an order from the Collector saying that the lands cannot be given as they have been already occupied by other Harijans. If aI am not able to get the lands already occupied by other Harijans I may be given some lands in the locality which are still lying vacant. The lands may be alienated in favour of South Kanara Harijan Labour leagun.

Sd/xx xx xx
26.4.51.

Read over to the deponent and admitted by him to be correct.

Sd/xx xx xx
Tahsildar
26.4.51.

/True Copy/

For Collector.

Memo. no 28220 F/51-3 dated 11-8-57

Land (South Kanara) - Mangalore taluk - Kadri village - Rs no 58/7 and 50/E3 - Threatened resumption of alienation - Orders -

From Sri K. Ishwara M.L.A petition dated 5-4-51

From the Board of Revenue Ref B. 32/2/57-2 dated 12-7-57

Sri K. Ishwara petitioner is informed that the Govt see no reason to interfere on his behalf.

Member :
Provincial Harijan welfare committee,
District welfare committee,
Hon. Secretary, District Harijan labour league, S. K.

P. O. KULASHEKA
MANGALORE, S
Date 23-10-19

S. Re
Stay matter ordered. Put
[illegible]

To

The Hon'ble the Minister for Revenue,
Govt. of Madras, M a d r a s.

Honoured Sir,

Sub: Appeal dated 5th April, 51, on Orders passed L.Dis.B 10848/50. d/ 13-3-51 by the Board of Revenue. Assignment of land - Kadri village R.S.No.58/7 & 50/E3 - Mangalore Taluk - S. Kanara - threatened resumption of alienation by R.D.O., Mangalore-

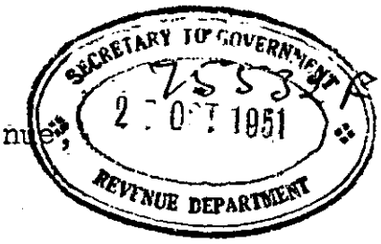
SECRETARY TO GOVERNMENT 75528 27 OCT 1951 REVENUE DEPARTMENT

I have to bring to your kind notice that the Rev. Divl. Officer. Mangalore Divn., in his proceedings Ref.C.No.B/82/51/B, dated 18-10-51, has asked me to show cause against cancellation as already ordered by 27-10-51, failing which, I shall not be given any further opportunities.

2. I have this day again requested him to grant me time till I receive any orders on my appeal to you, and that till that time the same may be kept pending.

3 I, therefore, request you to be good enou to order the stay of further proceedings in the above affair, and that my appeal may kindly be perused and favourable orders passed thereon. If on the contrary, I may be given time to rede the mortgage and time may be granted for the redemption.

Yours faithfully,

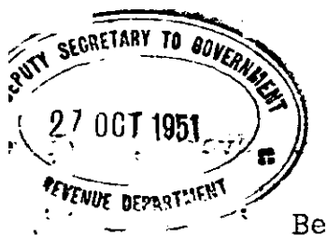


The Hon'ble Minister for Land Revenue,
Government of Madras,
Fort St. George, Madras.

Petition Submitted by Sri K. Ishwara, M.L.A., Kadri, Mangalore, South Kanara, for revie w of his case in the light of correct facts stated below.

****

Sub:- Assignment of land--Padavu Village--S.No.50-E3 and Kadri Village, S.No.58-7.



PETITION AGAINST: (1) Orders of the Board of Revenue L.Dis. B 10848/50, dated 13-3-1951 and (2) Proceedings of the Revenue Divisional Office, Mangalore, South Kar

Ref:- C. No.6782/51B, dated 18-10-1951. pbcpa.

Being highly aggrieved by the orders of the Board of Revenue and Proceedings of the Revenue Divisional Officer, Mangalore, Sou Kanara in connection therewith, both of which are cited above as (1) and (2) and produced herewith, I beg to submit this petition for cancellation of the said orders and Proceedings for the following among other grounds:-

S. No.50-E3 was assigned to the petitioner as far back as 20th April, 1933, more than 18 years ago in D.R. No.766/41, by order of the Tahsildhar, Mangalore under the ordinary Darkast Rules as a matter of course without any special conditions attac but according to the usual procdure followed in all cases of assignment of land. The said Darkhast order is produced herewit for perusal. As there is no condition specially mentioned in this Darkhast order, prohibiting alienation in any manner except the usual condition that the grant shall be null and void if the plot is alienated in favour of any person other than a British subject or subject of a native state without the sanction of the Government, it is quite plain that there is no such breach of th condition in the case of the petitioner so far as this Darkhast grant is concerned. The Orders of the Board of Revenue and the proceedings of the Revenue Divisional Officer referred to above, are, therefore, illegal and injust and ought to be set aside.

2. The plot S.No.58-7, Kadri Village, Mangalore Taluk, South Kanara, was purchased by the petitioner 7 or 8 years from one Thania by means of a registered sale deed and has enjoyed by him as his self-acquired property without hindrance. In this case no Revenue Authority ~~(that I have)~~ can interfere with my right to own property that I have purchased and that is subject to no condition at all of whatsoever nature. I have absolute right of disposal over it. The registered sale deed in respect of this property will be produced later whenever required.

3. The Petitioner therefore prays for review of his case on the basis of true facts and for

1. Cancellation of the orders of the Board of Revenue, Madras and the proceedings of the Revenue Divisional Officer, Mangalore, South Kanara referred to above respectively and also produced herewith.

2. Grant of immediate stay by teleghram of proceedings for resumption of the plots by the Revenue Divisional Officer, Mangal as per his proceedings, quoted above and prdduced herewith, as the last date mentioned therein is today Viz., 27-10-'51.

Or 3. Grant of one years time to the petitioner for discharging the mortgage debt of Rs.4000/- incurred by the petitioner on the security of these two plots, so as to free them from any encumbrances in case it is contrary to any condition of grant on Darkhast or purchase of either of the two plots.

For which the act of justice and fairness will ever remain grateful.

K Thimmappa

Land (South Kanara) - Mangalore taluk.
Kadri village, RS No 58/7 and 50/C3
. Resumption of grants Revision of
orders Requested. - Petition rejected.
Memo No 28220 F/51-3 Rev of 11/8/51
From Sri K. Gokarna, M.L.A. petn of 23/K/51
of 27/K/51

Sri K. Gokarna, M.L.A. is informed
that the Govt see no reason to
revise the orders passed in the Memo
quoted above. The petitions are rejected

1/11/51

1.11.51

(ROCS)

REVENUE DEPARTMENT

Kadri Hill, Kulshekar P.O.
Dated 16th Novr. 1951.

To

The Hon'ble Minister,
for Land Revenue, Govt. of Madras,
Fort St. George, MADRAS.

Petition submitted by Sri. K. Ishwara, M.L.A., Kadri, Mangalore, South Kanara, for review of his case in the light of the facts stated below:-

Sir,

DEPUTY SECRETARY TO GOVERNMENT
8 FEB 1952
6946 F
REVENUE DEPARTMENT

Sub: Assignment of land - Padavu Village - S. No. 50-E3, and Kadri Village S. No.58--7.

Petition against: (1) Orders of the Board of Revenue, L. Dis. E.10848/50, dated 13-3-51, & (2) Proceedings of the Rev. Divl. Officer, Mangalore, S. Kanara.

Ref:- C. No.6782/51 B., dated 16-10-51.

I had personally presented a petition dated 27-10-1951, with all the facts, and I had begged for stay orders and grant of time for releasing the said land from the mortgagees.

The said petition was simply forwarded to the Secretary, without calling for the records and perusing the same. I have now received a Memo No.75528 F/51-1, dated 1st Novr. 51, stating that the Government see no reason to revise the orders passed in the Memo quoted above and rejecting my said petition.

I am extremely sorry to see this order. I have sent an express wire to Madras yesterday. As this is a case in which a poor Harijan has been simply teased by the Revenue Department, for mortgaging the assigned lands, when he was not able to get the required loan amount. without knowing the full implications. Now to threaten with the cancellation of the assignment made several years ago is a great hardship. As a last resort, I request you to save a Harijan member from this kind of treatment and request to do a grace act when the time for the closing of the Assembly Sessions by perusing all the connected records and passing a stay order in the matter. I had asked for 1 year's time for redeeming the plots.

of the filling of the nomination papers before the returning Officer, for the ensuing elections. I shall be very buay in touring the constituency and it will not give me any respite to trouble with all this unnecessary troubles. I further learn that you are going to become a member of the Parliament and I, therefore, request you to save me in this matter and order that the assign. ment is not cancelled at this juncture.

I shall ever remember your personal favour,

urs faithfully,

H. Bhawara

Memo No 6946 F/52. 1 dated 16.2.52

Land - (South Kanara) - Mangalore Taluk. Kadri Village. R.S No 68/7 etc. Unauthorised encumbrance by alienation - Request for stay orders and time for due redeeming the mortgage. From Sri K. Ishwara M.L.A. petition dated 1.6.1951

The Govt see no reason to revise the orders already passed in the matter. The petition is rejected

15/2/52

16/2/52

'VISHRANTHI BHAVAN', KADRI HILL
P. O KULASHEKARA
Office: BHOJARAO BLDG.
MARKET ROAD.
MANGALORE, S. K.

REVENUE DEPARTMENT
21 FEB 1952

F1 950/F

Date 14th Feby. 1952.

To

Sri. H. Sitarama Reddy,
Minister for Land Revenue,
Govt. of Madras, M A D R A S.

Sir,

I had seen you last a few days back re. my mortgage affair and also presented a petition some time back. The R. D. O. of this place bears personal grudge against me and it was this that was responsible for the matter in the matter of the letter. There are other instances in which the darkhast lands to Harijans has been sold out to Non-Harijans in his Division. But no action has been taken in the matter. Personal grudge works against me in giving this kind of trouble. I have not disposed of the said darkhast, but only mortgaged it, as I could not get the required loan and I was not aware of the rules and regulations in the matter. I have, therefore, personally handed over to you the certified copy of my Patta. I request the said Patta may kindly be returned to me, as requested in my former petition.

I further request that you should take a personal interest in my case and order the "stay proceedings" for one year.

I also expect a reply from you as you are going to Delhi shortly, and you will not fail to do a favour just at the time of your departure to Delhi, for the long period we were in touch in the Assembly. But for you, there is no hope in any other direction.

Trusting you completely to save me from this situation,

Yours sincerely,

K. Shanbhag

Sir,

Sub: 'Assignment of land - Kadri Village - R.S.No.58/7, and 50/E3 - Mangalore Taluk - South Kanara Dt. - threatened resumption of alienation by Revenue Divisional Officer -- Revision petition of Sri. K. Ishwara M.L.A. - Orders passed L. Dis. B 10848/50 dated 13-3-51, by the Board of Revenue.'

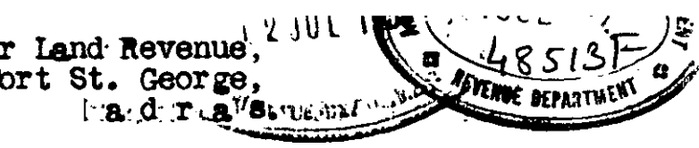
Ref: No.29556/50m dated 30-1-1951. of the Collector of S. Kanara.

The above Revision Petition, dated 2-11-1950 was preferred against the orders passed by the Revenue Divisional Officer, Mangalore, threatening resumption of R.S.No.58/7 & 50/E.3 of Kadri village, standing in my name on the ground that these properties have been mortgaged in favour of a Non-Harijan. It must be submitted at the outset, that these and other lands were assigned to Harijans without imposing any conditions against alienation. Only one plot was assigned to me and I had purchased the other from another Harijan, - who could not effect any improvements on the land. The purpose of such alienations was for uplifting the Harijans, providing them with lands for converting them as residential - areas. In view of the fact that there are no Co-operative Societies, consisting of Harijan members for advancing loans for constructing residential house, well etc. I approached the Collector and the Labour Department for advance of monies on Hypothecation under the Land Improvements and Agriculturist Loan Act. My application being turned down, I had to approach a Non-Harijan for mortgage loan for effecting the improvements to the tune of Rs.19,000/- and odd.

2. The present Revenue Divisional Officer is a man of the locality having personal grievances against me. He had manoeuvred to get some Harijans and Non-Harijans to squat on the plots applied by me on behalf of the Harijan Welfare Association, for housing an Industrial School. I had to oppose his

unjust, unfair and wrongful move, which is detrimental to the cause of the Harijan. Being riared up, he had threatened to wreak vengeance on me. He has started the above proceedings without any lawful authority for resumption of the above lands. The orders passed by him, as the Revenue Divisional Officer, are unjust, unfair and invalid and has become final. Hence. I submitted the above appeal to the Board of Revenue, that the Revenue Divisional Officer, Mangalore, for issuing notice that the above lands will be resumed, if I fail to redeem the mortgage for Rs.4,000-0-0 within the time stipulated by him.

The Hon'ble Minister for Land Revenue,
Govt. of Madras, Fort St. George,
Madras.



Petition submitted by Sri. K. Ishwara, M.L.A., Kadri, Mangalore, S. Kanara, for review of his case in the light of the correct facts stated below.

Sir,

Sub: Assignment of land in Padavu village, S.No.50/E.3, and Kadri village S.No. 58-7.

Petition against: (1) Orders of the Board of Revenue, L. Dis. B 10848/50, dated 13-3-51, and (2) Proceedings of the Rev. Divl. Officer, Mangalore, S. Kanara.

Ref:- C.No.6782/51 B, dated 18-10-1951.

Being highly aggrieved by the orders of the Board of Revenue and Proceedings of the Rev. Divl. Officer Mangalore, S. Kanara, in connection therewith, both of which are cited above as (1) & (2), and produced herewith, I beg to submit this petition for cancellation of the said orders and Proceedings for the following among other grounds

1. S. No.50-E.3 was assigned to the petitioner as far back as 20th April 1933 more than 18 years ago in D.R.No.766/41, by order of the Tahsildar, Mangalore, under the ordinary Darkhast rules, as a matter of course without any special conditions attached, but according to the usual procedure followed in all cases of assignments of lands The said Darkhast order is produced herewith for perusal. As there is no condition specifically mentioned in this Darkhast order, prohibiting alienation in any manner except the usual condition that the grant shall be null and void, if the plot is alienated in favour of any person other than a British subject or a subject of a native State, without the sanction of the Government, it is quite plain that there is no such breach of the condition in the case of the petitioner, so far as this darkhast grant is concerned. The orders of the Board of Revenue and the proceedings of the Revenue Divisional Officer, referred to above, are, therefore, illegal and unjust and ought to be set aside.

from one Thania by means of a registered sale deed and has been enjoyed by him as his self-acquired property without let or hindrance. In this case no Revenue Authority can interfere with my right to own property that I have purchased and that is subject to no condition at all of whatsoever nature. I have absolute right of disposal over it. The registered sale deed in respect of this property will be produced later whenever required.

The petitioner, therefore, prays for review of his case on the basis of true facts and for:-

1. Cancellation of the orders of the Board of Revenue, Madras, and the proceedings of the Revenue Divisional Officer, Mangalore, S.K. Kanara, referred to above respectively, and also produced herewith.

2. Grant of immediate stay by telegram of proceedings for resumption of the plots by the Revl. Divisional Officer, Mangalore, as per his proceedings quoted above and produced herewith, as the last date mentioned therein is to-day, viz., 27-10-1951

Grant of one year's time to the petitioner for discharging the mortgage debt of Rs.4,000/- incurred by the petitioner on the security of these two plots, so as to free them from any encumbrance; in case it is contrary to any condition of grant on darkhast or purchase of either of the two plots.

"VISHRANTHI BHAVAN", KADRI H
P. O. KULASHEKARA
Office: BHOJARAO BLDG.,
MARKET ROAD,
MANGALORE S. K.

8th Aug. 52195

MINISTER 12 AUG 1952 TO

Sri. Manickavelu Naicker,
Minister for Land Revenue,
Fort St. George, MADRAS.

Dear Sir,

Sub: Appeal re. the threatened resumption of alienation of land granted to me in Kadri & Padavu.

During the last month, I had got an order re. the time granted for the redemption of the land, and the same was taken over by you, in connection with my appeal. I have no copy of the order with me and hence I pray that the same may be returned to me. Further, as the mortgagee is in Bombay and he may take some more time to return to Mangalore, I request that as the time granted expires on the 20th of this month, a stay order may be sent to the Revenue Divisional Officer, Mangalore, granting me time for six months to redeem the mortgage from the mortgagee.

Thanking you in anticipation and expecting a reply as early as possible, before the 20th instant.

Yours faithfully,

H. Ananda Rao

Secretary, Revenue

"VISHRANTHI BHAVAN", KADRI HILL.
P. O. KULASHEKARA
Office: BHOJARAO BLDG.,
MARKET ROAD.
MANGALORE, S. K.

Date 12th Aug. 1952.

DEPARTMENT TO GOVERNMENT
7 AUG 1952
59578 F
REVENUE DEPARTMENT

To

Sri. C. Rajagopalachariar,
Chief Minister, Madras.

Sir,

I beg to state that 27 cents were assigned in Kadri of Mangalore. I purchased the adjoining plot of one Thaniya, 25 cents subsequently. This was assigned in 1927.

I spent nearly 15,000/- rupees for a pucca house, with a well and other improvements. In the meanwhile, I was sent to Vellore as a detenue. Due to this and other family expenses, I had a big outstanding and as I could not get any loan from the Govt., Labour Dept., and there were none in the community to give me a loan, I had to mortgage the same to one Mr. Miranda for a sum of Rs.3,500/- in the year 1948 on return from jail..

In 1951, I was threatened by the Rev. Divl. Officer, Mangalore for resumption of the darkhast plots, as the plots could not ne mortgaged. This was not one of the conditions in the first darkhast proceedings. I appealed to the Board of Revenue in the matter asking for time to redeem the property after discharge of the debt. The same is rejected and the time given by the R.D.O., expires by the 20th of this month. I have personally given a petition to the Land Revenue Minister last month along with the connected records, the latest order of the R.D.O. Mangalore, giving me time till the 20th instant.

I have enclosed copies of the previous correspondence in the matter, for your kind perusal.

party to whom the plots have been mortgaged is in Bombay and he will return to this place only in April next. The Rev. Divl. Officer had written to his Bombay address, but his letter was received back without delivery, as he was not there.

I, therefore, request you to get the whole file from the Minister for Land Revenue, and peruse and pass orders giving me time up to April, 1953, to redeem the same from the said Mirando, at the same time directing the Rev. Divl. Officer, Mangalore, to stay further proceedings in the matter, and thus give me some help to maintain the house and improvements done at a very great cost. I am a poor Harijan and the burden of uplifting them is on the present Congress Govt.

I, therefore, request that urgent stay orders may be passed immediately to prevent further action from the Rev. Divl. Officer in the matter.

Thanking you in advance,

Yours faithfully,

H Thimayya

Enclosures:-

1. letter to the Hony. Director, Harijan Welfare, Egmore, d/
2. Letter to the Land Rev. Minister d/27-1-51.
3. Letter to Rev. Minister, d/11-12-48.
4. Govt. Memo,6946 F/52-1, d/16-2-52.
5. Letter to Rev. Minister, d/5-4-51.
6. Letter to the Commissioner. Land Revenue,

Sri. V. Bhashyam Aiyengar, B.A., B.L.,

Retd. High Court Judge, Honorary Director

Of Harijan Welfare, EGMORE, M A D R A S.

Sub:- Assignment - land to Harijan - S.No.58/7 of Kadri village and S.No.50/E.3 of Padavu village - Loan applied for.

Sir,

In 1923 a scheme of securing lands for Harijans (Depressed Classes) was started and lands available for them. In spite of concessions of assignment for five years, and waive of seniorage, etc., there has not been much demand for lands from Harijans and considerably bad lands have been assigned, and some of such assignments have to be cancelled for failure to improve the land and occupy them.

2. S. No.58/7 of Kadri village was assigned to Thania, and S. No.50/E.3 of Padavu village was assigned to me, and we were not made aware of any conditions of resumptions. The former could not improve the above property, and therefore sold it under a registered sale-deed in my favour.

3. I approached the Collector of South Kanara and the Commissioner for Labour for grant of loans on the landed security for sinking a well, for constructing a residential house and for effecting other improvements thereon. It pains me to say that both these officers rejected my applications. There was no Harijan or a Co-operative Society of Harijans for granting loans for such purposes, thus driven to the dire necessity of approaching a non-harijan, Mr. Vincent Miranda for raising the amount necessary for the above purposes. I executed a mortgage for Rs.3,000-0-0 on the charge of the above properties, because I have never been informed ofany such conditions restraining such alienations or resumptions.

4. Now the Revenue Divisional Officer, Mangalore, has threatened me with resumption of the above properties on the ground of the alleged breach of the condition of the assignment. I have preferred an appeal to the Hon'ble the Minister for Revenue from the order dated 2-11-1950, on the Revision Petition made on the threatening Order of resumption of the Revenue Divisional Officer, Mangalore, and submitted my representation to the Hon'ble the Minister for sanctioning sufficient amount to redeem the mortgage and for effecting improvements. The Hon'ble the Minister was pleased to suggest that I could apply to the Harijan One Crore Fund, through the Honorary Director of Harijan Welfare. Hence this application.

5. The mortgage amount due is about Rs.3,500/- and the further necessary improvements to be effected would at least require about Rs.1.500/-. Hence, I submit that the Government would be pleased to grant me a loan of Rs.5,000/- on the security of the above properties.

I pray, therefore, that you would be pleased to sanction a loan of Rs.5,000/- on the security of S.No.58/7 of Kadri Village, and S. No.50/E.3 of Padavu Village, for redeeming the mortgage of Rs.3,000-0-0 and for effecting the necessary improvements, and grant such other concessions, as may be deemed necessary in my favour.

Yours faithfully,

(Sd) K. Ishwara.

To

The Hon'ble Minister for Land Revenue,
Government of Madras, Fort St. George,
M a d r a s.

Petition submitted by Sri. K. Ishwara, M.L.A., Kadri, Mangalore, S. Kanara, for review of his case in the light of correct facts stated below:-

Sir,

Sub: Assignment of land - Padavu village - S.No.50/E.3, and Kadri village S. No.58/7.
Petition against: (1) Orders of the Board of Rev., L.Dis. B 10848/50, dated 13-3-1951, & (2) Proceedings of the Rev. Divl. Officer, Mangalore, S. Kanara.
Ref: C. No. 6782/51-B, dated 18-10-1951.

Being highly aggrieved by the orders of the Board of Revenue and Proceedings of the Revenue Divisional Officer, Mangalore, S. Kanara, in connection therewith, both of which are cited - above as (1) and (2) and produced herewith, I beg to submit this petition for cancellation of the said order and proceedings for the following among other grounds:--

(1) S. No.50/E.3 was assigned to the petitioner as far back as 20th April, 1933, more than 18 years ago, in D.R.No.1066/41, by order of the Tahsildar, Mangalore, under the ordinary Darkhast rules as a matter of course, without any special conditions attached, but according to the usual procedure followed in all cases of assignment of land. The said Darkhast order is produced herewith for perusal. As there is no condition, specially mentioned in this Darkhast order, prohibiting alienation in any manner, except the usual condition that the grant shall be null and void if the plot is alienated in favour of any person other than a British subject or subject of a native State, without the sanction of the Government, it is quite plain that there is no such breach of the condition in the case of the petitioner so far as this darkhast grant is concerned. The orders of the Board of Revenue and the Proceedings of the Revenue Divisional Officer, referred to above, are, therefore, illegal and unjust and ought to be set aside

2. The plot S. No.58/7, Kadri Village, Mangalore Taluk, South Kanara, was purchased by the petitioner 7 or 8 years ago from one Thaniya by means of a registered sale deed and has been enjoyed by him as his self-acquired property without let or hindrance. In this case no Revenue authority can interfere with my right to own property that I have purchased and that is subject to no condition at all of whatsoever nature. I have absolute right of disposal over it. The registered sale deed in respect of this property will be produced later, whenever required.

The petitioner, therefore, prays for review of his case on the basis of true facts and for:-

(1) Cancellation of the orders of the Board of Revenue, Madras and the Proceedings of the Revenue Divisional Officer, Mangalore, South Kanara, referred to above, respectively and also produced herewith.

(2) Grant of immediate stay by telegram of proceedings for resumption of the plots by the Revenue Divisional Officer, Mangalore, as per his proceedings quoted above and produced herewith, as the last date mentioned therein, is to-day namely, 27-1-51. or

(3) Grant of 1 year's time to the petitioner for discharging the mortgage debt of Rs.4,000/- incurred by the petitioner on the security of these two plots, so as to free them from any encumbrances, in case it is contrary to any condition of grant on darkhast or purchase either of the two plots.

For which act of justice and fairness, the petitioner will ever remain grateful.

(Sd) K. Ishwara,

Petitioner.

Kadri Village, Kulshekar P.O.,

Mangalore, Dated 11-12-1948.

From

K. Ishwara, M.L.A.,
Vishranthi Bhavan, Kadri Hill,
P. O. Kulshekar, (Mangalore).

To

The Hon'ble Sri. Kala Venkat Rao,
Revenue Minister, Fort St. George,
Madras.

Sir,

In continuation of my previous letter, I am writing these few details as written by me, about the injustice done to me, by the subordinate Revenue Staff.

I had purchased a plot in Kadri last year for the purpose of quarrying stones from that plot, as previously some quarrying had been done in that plot. After purchase, I applied to the Revenue Department for a permit, with a challan on 4-10-1947. No permit was got by me till this time. On the 28th of last month, I was informed by the Revenue Inspector that the permission for quarrying had been refused and attached my property for the penalty of Rs.234-6-0. All this mischief was due to the Village Shanbogue (Karnam) who has been systematically collecting mamool from all the persons conducting quarrying business. No enquiry has been held either by the Tahsildar of Mangalore Taluk, or by the Revenue Inspector concerned.

I now give you details of the mischief done by the Rev. Inspector, Sri. Kunder, Mangalore No. 1, while attaching my property for the refund of stipend received by my wife, Mrs. K. Ramani, and for the penalty. On 23-11-1948, furniture and household articles belonging to me were forcibly taken possession of by him. In the act, one big almyrah has been damaged badly. The samans have been handed over to the Potail for safe custody. The said Sri. Kunder, had taken the foremost part in the N. G. O. Strike and is a communist mind-

minded person and was in the habit of abusing the Congress Government and Cabinet from a long time. He is a Protestant Christian and a war-returned candidate, who has been recently entertained. Besides myself, he has also given a lot of trouble to other villagers in Bengre of Mangalore. He is in the habit of destroying the vegetables and paddy cultivation belonging to the poor Harijans, who have done the crop with great difficulty It is very difficult for a man of this temper to work for the benefit of the public and especially the poorer classes, who are a minority of this district.

...w coming to the question of the mischief played by the village Shanbogue of Padavu Firka, I may frankly state that he is a very currupt man, and has amassed a fortune very recently due to the mamools from persons conducting quarrying business. He has built a decent house costing not less than Rs.6,000/-. He is in receipt of only Rs.20/- pay, which is not at all sufficient for even a single individual, apart from the fact of running a household. The house was completed very recently after the Congress Govt. came into power. A proper enquiry must be instituted in this connection. As I refused to pay the mamool demanded by him, he has been instrumental in doing as much mischief as is possible for him, and causing me loss thereby. I had personally brought all the mischief to the notice of Sri. Balaji Rao, the Revenue Divisional Officer, in additional charge of the Collector's work also. The said Shanbogue was then placed under suspension, as he was satisfied with the mischief, and now that, that officer is not in the Dt., he is again in the same groove of receiving mamool etc., and so the curruption is on the increase. If he has the audacity to ask for mamool from persons like me, a member of the legislature, what will be the fate of the other poorer people in the village. Though I had suffered much hardship during

the political agitation under the British regime, along with you all, it is very humiliating that attachment and such other hardships should crop up, in our Congress Government! All this mischief is due to the blind signing of papers by the Tahsildar, Sri. Ganesh and thus causing a lot of hardship to the public. The clerks and other subordinate staff are making jolly with this attitude of the Tahsildar. I had approached the Collector after the attachment order and he was pleased to pass "Stay - Order" about my attachment and that he will enquire into the matter I request you to take necessary steps in this matter, and to put a stop to all this kind of mischief in the district, and the penalty in my case may be cancelled in view of the delay of more than a year, in which time, I had commenced to quarry stones from the plot, with the hope that permit will be passed as applied for in the susual routine course, as done by others

carrying on the same business.

Thanking you and hoping to be excused for the trouble, I am going to give you in this matter.

Yours faithfully,

(Sd) K. Ishwara,

(True copy)

M a n g a l o r e,)
)
Dated, 9--8--1952.)

GOVERNMENT OF MADRAS.
Revenue Department.

Memorandum No.6946 F/52-1, dated 16-2-52.

Sub: Land - (South Kanara) - Mangalore Taluk - Kadri Village - R.S.No.58/7 etc. - Threatened redumption of alienation - Request for stay orders and time for redeeming the mortgage.

Ref: From Sri. K. Ishwara, M.L.A., petition dated 18-11-51.

The Government see no reason to revise the orders already passed in the matter. The petition is rejected.

(Sd) G. Satyanarayana,
Asst. Secretary to Government.

To
Sri. K. Ishwara, M.L.A.,
Kadri Hill, Kulshekar P.O. (South kanara Dt.)

Forwarded / By order.
(Sd) x x 19-2-51,
Superintendent.

(True copy)

Mangalore, 9-8-52.)

From

K. Ishwara, M.L.A.,
Mangalore, S. Kanara.

Date: 5th April,

To

The Hon'ble the Minister for Revenue,
Govt. of Madras, Fort St. George,
M a d r a s.

Sir,

Sub: Assignment of land - Kadri village - R.S.58/7, & 50/E.3 - Mangalore Taluk - S. Kanara Dt., - threatened resumption of alienation by Revenue - Divisional Officer - Revision Petition of Sri. K. Ishwara, M.L.A. - Orders passed L Dis B10848/50, dated 13-3-51 by the Board of Revenue.

Ref: No.29556/50, dated 30-1-1951 of the Collector of South Kanara.

The above Revision Petition, dated 2-11-1950 was preferredagainst the orders passed by the Revenue Divisional Officer, Mangalore, threatening resumption of R.S.No.58/7 and 50/E.3 of Kadri village standing in my name on the ground - that these properties have been mortgaged in favour of a No Harijan. It must be submitted at the outset that these another lands were assigned to Harijans without imposing any conditions against alienation. Only one plot was assigne to me and I had purchased the other from another Harijan wh could not effect any improvements on the land. The purpos of such alienation was for uplifting the Harijans, providin them with lands for converting them as residential areas. In view of the fact that there are no Co-operative Societie consisting of Harijan members for advancing loans for constructing residential house, well etc. I approached the Collector and the Labour Department for advance of monies o Hypothecadra vendor, the Land Improvements and Agricultural Loans Act. My application being turned down, I had to approach a Non-Harijan for mortgage loan for effecting the improvements to the tune of Rs.19,000/- and odd.

2. The present Revenue Divisional Officer is a man o the locality having personal grievances against me. He h manoeuured to get some Harijans and Non-Harijans to squat on the plots applied by meon behalf of the Harijan Welfar Association for housing an Industrial School. I had to

oppose his unjust, unfair and wrongful move, which is detrimental to the cause of the Harijan. Being flared up, he had threatened to wreak vengeance on me. He has started the above proceedings without any lawful authority for resumption of the above lands. The orders passed by him as the Revenue Divisional Officer are unjust, unfair, and invalid and has become final. Hence I submitted the above appeal to the Board of Revenue, asking the Divisional Officer, Mangalore, and issuing notice that the above lands will be resumed, if I fail to redeem the mortgage for Rs. 4,000/- within the time stipulated by him.

3. I fail to see how the Board can view the above orders of the Revenue Divisional Officer, on matters still pending before the officer, and thus deny me the justice against the malicious and wrongful proceedings. Hence - this appeal against the above order.

4. I pray that the Hon'ble the Minister for Revenue would be graciously pleased to order that the proceedings of the Revenue Divisional Officer be dropped and I may be granted such other reliefs as may be deemed necessary in the case.

Yours sincerely,

(Sd) K. Ishwara.

Mangalore, Dated 12th Nov. 50.

From

K. Ishwara, M.L.A.,

"Ishranthi Bhavan", Kadri Hill,

Kulshekar P.O. S. Kanara Dt.

To

The Commissioner for Land Revenue & Settlement,

Board of Revenue, M A D R A S.

Sir,

Appeal against the D. O. letter, dated 3-11-1950,

of the Revenue Divisional Officer, Mangalore.

Sub:- Assignment - Land to Harijans - S.No.58/7 of Kadri village and S.No.50/E.3 of Padavu village - Infringement alleged and cancellation threatened-

Ref:- Collector's D.Dis.25069/50, dated 4-10-1950.

S. No.58/7 of Kadri Village and S.No.50/E.3 of Padavu village, of Mangalore were assigned to one Thaniya and myself respectively without imposing any conditions. No orders containing conditions against offering as security or any kind of alienation were communicated to us. The aforesaid Thaniya sold the plot in my favour and S. No.50/E.3 was cancelled - along with others and reassigned to me. The allegation that the above two plots were assigned subject to the usual conditions governing grant of lands to the members of the Depressed Classes is wrong and not borne out by any records. If copies of such orders had been served on us, the office would be in custody of the endorsements of such services to the aforesaid Thaniya and myself. No such conditions were brought to my - notice at any time. The Revenue Divisional Officer has threatened to cancel the above assignments now standing in my name, on the ground that I have mortgaged them for Rs.3,500/- in favour of a Non-Harijan, Mr. Vincent Lee Miranda.

Commissioner for Labour, for sanction of loans on the security of these properties for sinking a well, for constructing a house and for erecting other improvements. Both these officers have turned down my applications There is no Harijan who is in a position to advance loans for the above purpose. In the result, I had to approach a Non-Harijan, Mr. Vincent Lee Miranda, for raising the amount necessary for the above purpose. I can cite several instances, where our Harijans have alienated such properties to Non-Harijans and the Government have not raised any objection to such alienations, including sales. I executed the mortgage on the strength of these properties, because I was not informed of any conditions restraining such alienations, and I found that the Government has no objections to such recourse by the Harijans.

3. Like a bolt from the blue, the Revenue Divisional Officer has started these proceedings against me without disclosing to me that such conditions were imposed on these lands. This officer, while acting as the Labour Officer, has passed orders granting a second assignment in favour of one A. Baboo of Souterpet Colony, knowing fully well that he has sold his former assigned plot. The second assignment was of a plot specifically reserved for the public activities of the Harijans, like Bhajan etc. I had then protested against his orders. He has instituted these proceedings bearing his old grudge against me, for the reasons stated above.

4. From this D. O. letter, it is very clear that there are no records to show that these plots had been assigned subject to the usual conditions. The Revenue Divisional Officer presumes that these assignments had been made subject to the usual conditions. I am at a loss to know what these usual conditions mean. I am given to understand -

that usually a short period not exceeding 10 years is imposed restraining alienation without previous permission. After the expiry of this period stipulated. the assignees are at liberty to alienate. In my case, more than 20 years have elapsed since assignment.

5. I have spent not less than Rs.15,000/- for constructing a pucca residential house. out-houses a well compound walls and other improvements. The Government would be pleased to know that is the only instance where a Harijan has improved the assigned plots with improvements costing not less than Rs. 15,000/-. Instead of encouraging such an enterprise and adventure, I am persecuted by the Revenue Divisional Officer on such wrongful grounds. In any view, time of 15 days granted, is too short for raising Rs.3,500/-.

6. Since the above proceedings have been passed by the Collector without giving me an opportunity, I feel that this appeal lies to the Board of Revenue. Hence the appeal

I pray that the Government would be pleased to order that these proceedings, threatening cancellation of the assignments be dropped or I may be granted Rs.4,000/- as a loan for discharging this mortgage debt, or in the alternative, to grant three years time for discharging the same, if the Government are not willing to advance the loan prayed for.

(Sd) K. Ishwara,

Memo No. 59116 F/52-1 dated 28-8

Land - (South Kanara) - Mangalore tal
Kadri village - R.S. No. 58/7 etc -
Threatened resumption of alienation
Request for stay orders etc
From Sri K. Ishwara M.L.A petitions dated
8-8-52 and 10-8-52

It is informed that the order said to have been endorsed with his petitions submitted to Govt in July 1952 was not received by the Govt. As regards his request for the grant of six months' time for redeeming the mortgage, the Govt see no reason to revise the orders already passed in the matter.

To
Sri K. Ishwara M.L.A
Kadri Hill
Kulshekar (P.O).
South Kanara

Land (S. Kanara) Mangalore Taluk Kadri Village RS No. 58/7 and 50/E3 - Threatened resumption of alienation - Report for stay orders.

From Sri K Ishwara MLA. petn dt 5.2.91

Issued as memo No 28220 F/91-1 dt 13.4.91

From Sri K Ishwara, Petition dt 26.4.91.

From Sri K Ishwara Telegram dt 27.4.91

To AS

Please see the petition on pp 1-2 Cf. the minute of HRC(R) on p1 Cf. the memo on p 3 Cf. and the further petn and the telegram on pp 5-6 Cf.

2 The petitioner has stated that he had been assigned a plot of land in Kadri village and he had purchased another plot from another Harijan. As there was no Cooperative society consisting of Harijans he applied to the Collector and the Labour dept. for loans, but his requests were turned down. He had therefore to mortgage the lands to a non-Harijan. (The petitioner states) In view of his having mortgaged the land in favour of a non-Harijan, the RDO has taken up resumption proceedings. Against this he had appealed to the Board, but the Board rejected his appeal. Against the Board's order he has appealed to the Govt. An application has been called for from the Collector through the Board's order. The petitioner has now stated that the RDO is threatening to resume the lands unless stay order is obtained from the Govt. in the matter. The petitioner therefore requests that a stay order may be issued pending disposal of his appeal.

whether it will be considered necessary to grant a stay order as requested by the petitioners.

The South Kanara Collector has submitted with the Bd's Reference at Pn-2-3 of 1555 of the locked file gives an outline of the activities of this M.L.A. for orders whether the Stay applied for will be refused

1655

From "K" on p 2 of this Lucas file, it is seen that the M.L.A. was assigned land under the Displaced Claims Arrangements Rules & that he was found to have alienated it to persons other than Harijans, contrary to the conditions of the grant. In the above circumstances, Stay need NOT be granted

17/8/n

HM (LR)

TOS

Please see the orders from Pt onwards and the order is circulating above. It does not appear necessary to inform the petitioners that his request for stay has been rejected and that it will be sufficient if he is informed of the final orders passed on the petition on Pt 1-2 of after the cases of the Bds reports are received and examined

IOAS

With reference to the rules ~~of~~ ~~on~~ ~~p 2 ante~~ draft ~~memo~~ letter is submitted for approval

24/5/51

Draft not necessary. Need not issue

2/8/52

(From the Bd. of Rev. B.3212/51-2 d/ 12-7-51.)

To A.B.

Please see the petition on pp.1-2 c.f., the ..... of H.M.(L.R) on p. 1 c.f., the Memo on p. 3 c.f. the petition and telegram on pp.5 and 6 c.f. and the Bd. report and its enclosures on pp.7-11 c.f. and the note from p.1 ante.

2. The petitioner has stated that he was assigned some lands in Kadri village, that he had purchased some other lands from some Harijans and that as he could not get a loan either from the Collector or from the Labour Dept. or from any other Harijan member, he had to mortgage the land to a non-Harijan with a view to effect improvements on the lands. He states that the R.D.O. who is not well disposed towards ~~him~~ him has ordered the resumption of lands for violating the conditions of assignment. He has also stated that he appealed to the Bd of Rev., but the Bd. ~~has~~ rejected his petition. He has now appealed to the Govt. He requests that the R.D.O. may be asked to drop the resumption proceedings.

3. report was called for from the Collr. through the Bd. The Collr. and the Bd.'s reports are on pp.7-11 c.f. and may be perused. The Collr., in his letter on p. 8 c.f. has answered the allegations made by the petitioner in paras 1 and 2 of his letter. The

has reported that the petitioner resorts to such petitio when he does not succeed in getting things done for him by the local officials. The Bd. has agreed with the Collr. and submitted its L.Dis. in which the petition of the M.L.A. was disposed of by it, and has stated that it has no further remarks to offer.

4. It is seen from the statement of the petitio made before the Tahsildar on 26-4-51 that he had not applied for a loan either to the Collr. or to the Labou Dept. as stated by him. His contention that he had mor the land to a non-Harijan because he could not get loa either from the Collr. or from the Labour Dept. is not true. It is seen from para 3 of the R.D.O's letter on c.f. that the allegations of the petitioner that the R. manoeuvred to get some Harijans and non-Harijans to squa on the plots applied for by the petitioner on behalf of the Harijan Welfare Association for housing an industri school and that because the petitioner opposed this man ng, the R.D.O. threatened him with resumption of his l are not in accordance with the facts. Attention is inv to the letters on pp.2 and 3 c.f. of Memo No.76004-M/50 ated 14-5-51 and the remarks of Secy. on p. 3 n.f. of odged No.15398-B/51 dated 28-3-51. It will be seen tha the petitioner is in the habit of making allegations aga officers without any basis for doing so. As the petitione has violated the condition of assignment, viz. mortgagir the land to a non-Harijan, the action of the R.D.O. in ordering the resumption of the land is in order. The matter is still pending with the R.D.O. In the circum- stances mentioned above, the petitioner may be informed that Govt. see no reason to interfere on his behalf.

Do As

with reference to the orders in circulation
on p 4 ante
a draft ~~Memo~~ is submitted for approval

11-8-51

11.8.51

11/8/51

Land - (South Kanara) - Mangalore taluk, Kadri village, R.S.No. 58/7 and 50/E3 Threatened resumption ~~by~~ of grant Request for stay orders and revision From Sri K. Ishwara, M.L.A, petition dated 23/X/51

27/X/51

To A.S.

Please see the petition in the cf and the minutes of HM (KR) on pp 1+2 cf.

2. In his petition on p1 cf, the petitioner has requested that orders might be issued to stay further proceedings relating to resumption of lands granted to him in R.S.No. 58/7 and 50/E3, Kadri village, Mangalore taluk, South Kanara dt. and that favourable orders might be passed on his appeal-petition or on the ~~cash~~ Contrary he might be granted time to redeem the mortgage on the lands. In his further petition on pp 2-3 cf, he has stated that the land in Sy.No. 50/E3 was granted to him in April 1933 and that no specific Condition was mentioned in the darkhast order prohibiting alienation ~~in~~ ~~non-Indian~~ in any manner except the usual condition that the grant shall be null and void if the land is alienated ~~to~~ in favour of any person other than a British subject or subject of a Native State without the sanction of the Govt. He has enclosed a copy of the darkhast order. He has also stated

that there has therefore been no breach of the conditions of the grant and that the orders of the Board and the RDO are illegal and unjust and has requ they should be set aside In respect of S No 58/3, he has stated that he purchased the land by a registered sale deed seven or eight years ago and that the Revenue authorities have no power to interfere with his right of disposal over it.

He has requested:

(1) Cancellation of the orders of the Board and the RDO and

(2) Grant of stay orders till his appeal is disposed of

or

(2) Grant of one years time to discharge the mortgage debt of Rs 4900/- on the lands so that he may free them of the encumbrances in case it is contrary to any conditions of grant.

3. The appeal petition referred to on p1 cf. has already been disposed of in/Memo No 28220 F/51-3 Rev I 11/8/51 and the petitioner was informed that the Govt saw no reason to interfere on his behalf and that his petition was rejected. For a brief history of the case please see the notes on p3 4 cf of the Memo. The case of the petitioner was examined in detail by the Govt. after calling for the reports of the Colr of South Kanara and the Board of Rev.

Please see the notes and orders in circulation on pp 1/4 of Memo No 28220 Est B Rev D. 11/8/51. It will be seen from para 2 of the R. DOS report on p 9/c of the Memo that the contention of the petitioner that the lands in question were assigned without the imposition of any specific condition prohibiting alienation to a non-Harijan is not true. Even while ~~forwarding~~ the previous petition, under reference, the petitioner had applied for stay order but for the reasons stated on p. 2 nf of Memo No 28220 Est Rev D. 11/8/51 it was considered unnecessary to grant any stay order. However in view of the facts stated in the petition on pp 2-3 c/f and the minutes of HM (ER) on p 1/c. it is for orders whether stay orders will be issued and a report calling for from the CM through the Board ~~called for~~.

28/X/51

The matter was already examined by the Govt. and there is nothing new in the present petition. For orders whether stay will be refused & pets. rejected.

28.10.51

29/10/51

On the Request of the petitioner for Stay the Connected Records have been obtained from the Board and examined recently. The petitioner has been informed in Govt Memo. 28220/51 dt 11.8.51 that his petition has been rejected. There are no new facts in the

present petition. In this connection the
Report of the R.D.O on p. 10 c/f (B)
may be perused. For orders whether stay
may be refused and the petition rejected
if the above circumstances.

9.10.51

SECRETARY TO GOVERNMENT
31 OCT 1951
REVENUE DEPARTMENT

11/10/51

DEPUTY SECRETARY TO GOVERNMENT
31 OCT 1951
REVENUE DEPARTMENT

1.

With reference to the orders in circulation above, a draft memo is submitted for approval. After issue of the memo the papers may be clubbed with Memo No. 24220 F/51.3 Rev of 11/8/51

(B)

1/11/51

1/11.51

1/XI/51

27/11

Revenue Dept.

Land - (S. Kanara) - Mangalore taluk - Kadri village R.S.No. 58/7 and 50/E.3 - Threatened resumption of alienation - Request for stay orders - Grant of.

From Sri K. Ishwara. M.L.A.. petition d/ 16-11-51.

To A.S.

Please see the petition from Sri K. Ishwara, M.L.A., Kadri, Mangalore, S. Kanara, on pp.1-2 c.f. and the minutes to H.M.(L.R) thereon on p. 1 c.f.

2. The petitioner has stated that the Govt. had informed him in Memo No. 75528-F/51-1, Rev. dated 1-11-51 that they saw no reason to revise the orders already passe in the matter and had rejected his petition. For the reasons stated in para 3 of his letter, the petitioner requests that all the connected records may be perused and he be granted one year's time for redeeming the ~~xxxx~~ lands. He also requests that stay may be ordered in the matter.

3. It is submitted, the petitioner's requests have been considered more than once, and his requets have been rejected. Please see the notes and orders in circula tion on pp. 3-4 n.f. and pp. 7-10 n.f. of Memo No.28220-F 51-3 Rev. dated 11-8-51. The request of the petitioner for the grant of one year's time to discharge the mortgage debt of Rs.4,000/- on the ~~xxxx~~ lands and the grant of stay orders were specifically ~~considered~~ examined and ~~they~~ the same were rejected The present petition does not contain any new facts. It i also submitted that the petition is dated 16th November 19 and probably by this time the petitioner would have been evicted from the lands. In the circumstances it is for orders whether the petitioner may be informed that the Go see no reason to interfere on his behalf.

With reference to the above we circulate a draft memo is submitted for approval. (After
is on the agenda may be ~~omitted~~ this (M)

Lamd - (S.Kanara)- Mangalore taluk. -Kadri village- R.S 58/7 and 50/E3- Threatened resumption of alienation- Request for orders of stay.

From Sri.K.Ishwara , M.L.A petition dated 14-2-52.

To A.S.

Please see the letter from Sri. K.Ishwara, M.L.A., in the c.f.

2. The requests of the petitioner are :
(1) that 'stay proceedings' for one year may be ordered, and

(2) that the certified copy of his patta (said to have been handed over to H.M.(L.R) in person) may be returned to him.

Request (1) above : For the previous facts of the case, please see the typed notes and orders in circulation on pp. 3-4 n.f. and pp. 7-11 n.f. of Memo. No.28220 F/51-3 Rev. dated 11-8-51 at (M). On a number of occasions the petitioner's requests have been examined and have been rejected- please see orders in circulation on p. 2 n.f., 4 n.f., 10 n.f. and 11 n.f. of (M). No new grounds have been adduced by the petitioner in support of his requests. The petition may be rejected. The petitioner's letter is dated 14-2-52. On 16-2-52 a Memo. was issued ~~rejected~~ rejecting his requests. In the circumstances no reply to the petitioner is necessary.

Request (2) above: Attention is solicited to X on p. 15 n.f. of (M) The enclosures received with his petition dated 27-10-51 ~~was~~ were returned to the petitioner by Registered Post in Memo. No. 75528 F/51-1 Rev. dated 1-11-51. Presumably the enclosure No(1) referred to on p. 15 c.f. of (M) is the certified copy of the Patta. As this ~~is~~ has been returned no action is called for now. May be lodged and stitched with the papers at (M).

To A.S.

Please see the petitions from Sri K. Ishwara M.L.A on pp 1-4 ante. The petitions in the C.F. are only copies of those on pp 1-2 and 14-15 C.f of Memo No. 2.B.220.F/51-3 Rev dated 11-8-51 which have already been examined and rejected. It is submd that the petitioner's requests have been examined on a number of occasions and rejected - vide the notes and the orders in circulation on pp 3-4 N.F, 7-10 N.F, 11 N.F and 14 N.F of (A). In the circumstances no action appears necessary on the petitions. A reply to the petitioner also seems unnecessary. For orders whether the papers may be lodged and stitched with the papers at (A).

WF
6/4/52

(illegible)

Dy
8.7

h
17.7.52

To A.S

Please see the petitions from Sri Ashwara M.L.A and their endorsees on pp 1-17 ante. It is submitted that the petition requests have been examined on a number of occasions and rejected vide the notes and the orders in circulation on pp 3-4 N.F, 7-10 N.F 11 N.F and 14 N.F of Memo No. 28220 F/51-3 Rev dated 11-8-51. ~~Reaction appears therefore~~ the present request may also ~~necessary on this requests~~ be rejected.

2. With reference to X on p1 ante, it is submitted that the order in which time was granted for the redemption of the land referred to by the petitioner, was not received together with his petitions on pp 24-27 of (S), submitted to Govt in July last. In the circumstances, the petitioner may be informed that the order in question was not received with his petitions submitted in July 1952

3 Subject to orders, a draft memo is submitted for approval. After issue, the papers may be stitched with the papers at (S).

MJ
24/8/52

1